UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,792	11/02/2000	Shinji Hayakawa	KAT-232	2171

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EXAMINER
HO, CHUONG T

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/703,792	HAYAKAWA ET AL.
	Examiner	**Art Unit**
	CHUONG T. HO	2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 September 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>3-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>3-6 and 9-20</u> is/are allowed.

6)☒ Claim(s) <u>7 and 8</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>02 November 2000</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

1.   The amendment filed 09/30/04 have been entered and made of record.

2.   Applicant's arguments with respect to claims 3, 4-6, 7-8, 9-14, 15-20 have been

considered but are moot in view of the new ground(s) of rejection.

3.   Claims 3, 4-6, 7-8, 9-14, 15-20 are pending.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Platel et al. (U.S.Patent No. 4,607,363) in view of Weir, deceased et al. (U.S.Patent No.

4,707,831).

In the claim 7, Platel et al. disclose all the following subject matter : a packet receiver

connected to a network for receiving communication packets sent from a packet

transmitter and containing coded speech data via said networky decoding said

communication packets, and outputting decoded speech data, said packet receiver

comprising:

a packet memory circuit for temporarily storing received packets including the

communication packets in a first-in first- out fashion to thereby form a queue; (fig. 4, part

10);

a read start threshold setting circuit for setting, with respect to a length of the queue, a

read start threshold at which the received packets should begin to be read out; (fig. 4,

part 12 - counter for counting the number of packets to be read out; col. 8, lines 26-35 -

the read start threshold is zero, applicant fails to disclose that the threshold could not be

set at zero);

a read comparing circuit for determining whether or not the length of the queue has

reached said read start threshold, and outputting a read command signal in accordance

with a result of a decision; and (fig. 4, part 18 - compares queue length with current size

of queue, which results in either a read or a flush; col. 8, lines 57-68);

a read control circuit for causing, in response to said read command signal, the received

packets to be read out of said packet memory circuit. (fig. 4, part 36; col. 8, lines 62-66 -

otherwise the packets are sent to the modem; col. 5, line 2).

However, Platel et al. is silent to disclosing a packet monitoring for monitoring the

communication packets being sequentially received via the network and discarding,

when any one of said communication packets exceeds a preselected allowable dealy

and/or is received in a inverse sequence, the one packet and/or feeding a preselecting

error packet to said packet memory circuit.

Weir, deceased et al. disclose a packet monitoring for monitoring the

communication packets being sequentially received via the network and discarding,

when any one of said communication packets exceeds a preselected allowable dealy

and/or is received in a inverse sequence, the one packet and/or feeding a preselecting

error packet to said packet memory circuit (see col. 3, lines 28-35, any speed packet

whose delay exceeded the standard delay is discard).

Both Platel and Weir disclose monitoring the communication packets. Weir, deceased et

al. recoginizes a packet monitoring for monitoring the communication packets being

sequentially received via the network and discarding, when any one of said

communication packets exceeds a preselected allowable dealy and/or is received in a

inverse sequence, the one packet and/or feeding a preselecting error packet to said

packet memory circuit. Thus, it would have been obvious to one of ordinary skill in the

art at the time of the invention to modify the system of Platel with the teaching of Weir to

monitor the communication packets being sequentially received via the network and

discarding, when any one of said communication packets exceeds a preselected

allowable dealy and/or is received in a inverse sequence, the one packet and/or feeding

a preselecting error packet to said packet memory circuit in order to improve the quality

of speech packets.

6.   In the claim 8, Platel disclose the limitations of claim 7 above.

        However, Platel is silent to disclosing a time-out monitoring circuit for assign a

particular receipt limit time representative of the preselected allowable delay to each

communication packet , and determining whether or not each communication packet

arrive before said receipt limit time assigned thereto expires; a sequence monitoring

circuit for monitoring a sequence of receipt of the communication packets on the basis

of information contained in said communication packets; a discarding circuit for

monitoring the communication packets and discarding any one of said communication

packets that has arrived after the receipt limit time assigned to thereto; and an error

compensating circuit for feeding, when any one of the communication packets is discard or received in inverse sequence, the error5 packet to said packet memory circuit.

Weir, deceased et al. disclose a time-out monitoring circuit for assign a particular receipt limit time representative of the preselected allowable delay to each communication packet , and determining whether or not each communication packet arrive before said receipt limit time assigned thereto expires; a sequence monitoring circuit for monitoring a sequence of receipt of the communication packets on the basis of information contained in said communication packets; a discarding circuit for monitoring the communication packets and discarding any one of said communication packets that has arrived after the receipt limit time assigned to thereto; and an error compensating circuit for feeding, when any one of the communication packets is discard or received in inverse sequence, the error5 packet to said packet memory circuit (see col. 3, lines 25-35, lines 42-43, lines 46-47).

Both Platel and Weir disclose monitoring the communication packets. Weir, deceased et al. recoginizesa time-out monitoring circuit for assign a particular receipt limit time representative of the preselected allowable delay to each communication packet , and determining whether or not each communication packet arrive before said receipt limit time assigned thereto expires; a sequence monitoring circuit for monitoring a sequence of receipt of the communication packets on the basis of information contained in said communication packets; a discarding circuit for monitoring the communication packets and discarding any one of said communication packets that has arrived after the receipt limit time assigned to thereto; and an error compensating circuit

for feeding, when any one of the communication packets is discard or received in

inverse sequence, the error5 packet to said packet memory circuit. Thus, it would have

been obvious to one of ordinary skill in the art at the time of the invention to modify the

system of Platel with the teaching of Weir to provide a time-out monitoring circuit for

assign a particular receipt limit time representative of the preselected allowable delay to

each communication packet , and determining whether or not each communication

packet arrive before said receipt limit time assigned thereto expires; a sequence

monitoring circuit for monitoring a sequence of receipt of the communication packets on

the basis of information contained in said communication packets; a discarding circuit

for monitoring the communication packets and discarding any one of said

communication packets that has arrived after the receipt limit time assigned to thereto;

and an error compensating circuit for feeding, when any one of the communication

packets is discard or received in inverse sequence, the error5 packet to said packet

memory circuitin order to improve the quality of speech packets.

Allowable Subject Matter

7.   Claims 3, 4-6, 9-14, 15-20 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art.

(4607363, 4707831, 6389032, 6473432, 6658027, 5914936) of record does not appear

to teach or render obvious the claimed limitations in combinations with the specific

added limitations, as recited from independent claim 3: "said read start point setting

circuit sets the read start threshold at a length of the queue that is three times to four

times as great as said stand deviation".

The following is an examiner's statement of reasons for allowance: the prior art. (4607363, 4707831, 6389032, 6473432, 6658027, 5914936) of record does not appear to teach or render obvious the claimed limitations in combinations with the specific added limitations, as recited from independent claim 9: "said read start point setting circuit sets the read start threshold at a length of the queue that is three times to four times as great as said stand deviation".

The following is an examiner's statement of reasons for allowance: the prior art. (4607363, 4707831, 6389032, 6473432, 6658027, 5914936) of record does not appear to teach or render obvious the claimed limitations in combinations with the specific added limitations, as recited from independent claim 4: " a diminishing control circuit for setting, with respect to the length of the queue, a discard start threshold and a discard end threshold at which the received packets should begin to be discarded and should end to be discarded".

The following is an examiner's statement of reasons for allowance: the prior art. (4607363, 4707831, 6389032, 6473432, 6658027, 5914936) of record does not appear to teach or render obvious the claimed limitations in combinations with the specific added limitations, as recited from independent claim 15: "a first step of setting, before temporarily storing receiving packets including the communication packets to thereby form a queue, a discard start threshold at which said received packets should begin to be discarded, and a discard end threshold at which said received packets should end to be discarded with respect to a length of said queue".
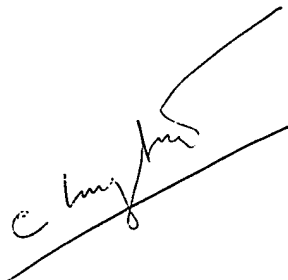
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUONG T. HO whose telephone number is (571) 272-3133. The examiner can normally be reached on 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

09/28/06